

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Theodore Watkins**
Docket No. **278670**
L.C. No. **74-005983-01 & 80-005857-01**

E. Thomas Fitzgerald, Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal filed on June 15, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the December 9, 2005 order as required by MCR 7.205(F)(3). The motion for reconsideration did not toll the time period to file the application because according to the register of actions it was not filed until January 6, 2006, which is more than the permitted 21-day period. See MCR 7.205(F)(3)(b). Finally, even if the June 12, 2006 order started the 12-month period, the application was not filed within 12 months. An application is not filed until it is received by the Court. See *Walker-Bey v Department of Corrections*, 222 Mich App 605 (1997).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 13 2007

Date

Sandra Schultz Mengel

Chief Clerk